

06-01-01

NUMBER: EL703719634US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service, postage prepaid, under 37 CFR 1.10 on the date indicated below and is address to: Assistant Commissioner of Patents, Washington, D.C. 20231.

*Ullrie Ferrara*

*5-31-01*

Date

# REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53

DOCKET NUMBER	PRIOR APPLICATION EXAMINER	PRIOR ART UNIT
09/871134	Unknown	2152

Address to:

Box Patent Application  
Assistant Commissioner for Patents  
Washington, DC 20231

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53, of pending prior application Serial Number 09/797,413, filed on March 1, 2001 entitled NETWORK CONNECTED COMPUTING SYSTEM.

1. Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application serial number 09/797,413, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27  
☐ is enclosed.  
☒ was filed in prior application number 09/797,413 and such status is still proper and desired (37 CFR 1.28(a))

3. ☒ The Commissioner is hereby authorized to charge any deficient fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 10-1205/SURG:158.

4. ☒ The inventor(s) of the invention being claimed in this application is/are:  
 Scott C. Johnson; Brian W. Bailey; Rodney S. Canion; Thomas E. Garvens; Gregory J. Jackson;  
 and Roger K. Richter

5. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.60(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

6. ☐ Amend the specification by inserting before the first line the sentence:  
 "This application is a ☐ continuation ☐ division of co-pending application number , filed

7. ☒ New formal drawings are enclosed.

8. ☐ Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_.

☐ The certified copy has been filed in prior application number \_\_\_\_/\_\_\_\_\_, filed \_\_\_\_\_ is claimed under 35 U.S.C. 119(a) - (d).

9. ☒ A preliminary amendment is enclosed.

10. ☒ Please enter the preliminary amendment before calculating the filing fee.

**FEE CALCULATION:**  
(After Amendments)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	Total Claims (37 CFR 1.16(e))	<u>82</u> - 20 =	62	x \$ 18.00	\$1116.00
	Independent Claims (37 CFR 1.16(b))	<u>5</u> - 3 =	2	x \$ 80.00	\$ 160.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ 270.00	\$
				Basic Fee (37 CFR 1.16(a))	\$ 710.00
	Total of above Calculations =				\$1986.000
	Reduction by 50% for filing by Small Entity (Note: 37 CFR 1.9, 1.27, 1.28)				\$ 993.00
	ASSIGNMENT FEE (IF FILED WITH APPLICATION)				\$
	TOTAL				<b>\$993.00</b>

11. ☒ A check in the amount of \$993.00 is enclosed.

12. ☒ The prior application is assigned of record to Surgient Networks, Inc.

13. ☐ The power of attorney in the prior application is to \_\_\_\_\_

a. ☒ The powers of attorney appear in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future correspondence to: Richard D. Egan  
O'KEEFE, EGAN & PETERMAN  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, TX 78746

14. ☒ Also enclosed: Postcard; 1449 Form; Request and Certification Under 35 USC 122(b)(2)(B)(i) (Non-Publication Request Form)
15. ☒ Applicant respectfully requests that the Information Disclosure Statement(s) in the prior application be made of record in this application, and that all references cited in the Information Disclosure Statement(s) be made of record, and further that all information in the Information Disclosure Statement(s) and references cited therein be considered by the Office during examination of this application.

Respectfully submitted,



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Richard D. Egan  
Registration No. 36,788  
Attorney for Applicant

KEEFE, EGAN & PETERMAN  
1401 Capital of Texas Highway South  
Building C, Suite 200  
Austin, Texas 78746  
(512) 347-1611  
FAX: (512) 347-1615

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Scott C. Johnson
	Title	NETWORK CONNECTED COMPUTING SYSTEM...	
	Atty Docket Number		SURG:158

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

5/31/01

Date \_\_\_\_\_

Phil Eger

Signature

Richard D. Egan (Reg. No. 36,788)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**